

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

INEZ GILCHRIST,

Plaintiff

v.

LIBERTY MUTUAL INSURANCE  
COMPANY,

Defendant

Civil Action No. 1:04-cv-10638-RGS

**ASSENTED TO MOTION TO EXTEND TIME TO ANSWER  
OR OTHERWISE RESPOND TO COMPLAINT**

NOW COMES Defendant, Liberty Life Assurance Company of Boston ("Liberty Life")<sup>1</sup>, and respectfully requests, with the assent of the Plaintiff, that it be granted an extension of time to answer or otherwise respond to Plaintiff's Complaint, up to and including Friday, May 7, 2004. As grounds for this motion, Liberty Life states the following:

1. On or about December 6, 2003, Plaintiff filed her Complaint in Essex Superior Court alleging, on the basis of common law claims, that she is or was entitled to benefits under a short-term disability policy and a long-term disability policy that were issued by her employer and administered by Defendant. On or about April 1, 2004, Defendant removed Plaintiff's Complaint to this Court on the grounds that there is a federal question presented, because at least one of the claims is a claim for benefits under an employee welfare benefits plan, which is governed by the Employee Retirement Security Act ("ERISA"), 29 U.S.C. §1001 et seq. Prior to the removal of this action, Plaintiff had previously agreed to allow Defendant up to April 13, 2004 to answer or otherwise respond to the Complaint.

2. Plaintiff, through her counsel, has indicated that Plaintiff may now amend her complaint to bring her claims under ERISA. The parties also may be interested in discussing an

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<sup>1</sup> Defendant is incorrectly named in the Complaint as Liberty Mutual Insurance Company

early resolution of this claim without the need for further proceedings in court.

3. As a result, Defendant now requests an extension of time to answer or otherwise respond to the Complaint in order to allow Plaintiff time to consider amending her Complaint. By allowing Defendant this extension, Plaintiff will have time to amend her Complaint, if she chooses, and Defendant will only have to respond to the Amended Complaint. This extension will, therefore, prevent unnecessary time and expense and will allow the parties to clearly present the issues in this case before this Court. It will also provide the parties the opportunity to examine the possibility of an early resolution of this claim.

4. On behalf of Liberty Life, the undersigned counsel has conferred with John LaRivee, counsel for Plaintiff, who has given his assent to this motion on behalf of Plaintiff.

WHEREFORE, Liberty Life respectfully requests that it be granted an extension of time, up to and including May 7, 2004, to answer or otherwise respond to the Complaint.

Respectfully submitted,

LIBERTY LIFE ASSURANCE COMPANY OF  
BOSTON

By its attorneys,



Andrew C. Pickett, BBO# 549872

Richard W. Paterniti, BBO#645170

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April 9, 2004

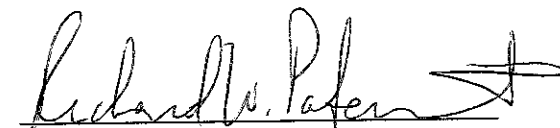
ASSENTED TO AND AGREED TO BY:



John LaRivee, Esq.

**CERTIFICATE OF SERVICE**

I hereby certify that on April 9, 2004, a copy of the foregoing was served by first class mail on Plaintiff's counsel, John J. LaRivee, 21 Wingate Street, Suite 105, Haverhill, MA 01832.

  
Jackson Lewis LLP